

House of Representatives Local Government Committee
Room 307
The Anderson Building
Lansing, MI

Sally Silver
426 Bailey Street
East Lansing, MI 48823

Re: HV 5041, in opposition

December 8, 2015

Dear Members of the Local Government Committee of the Michigan House of Representatives:

Here is a speech I have prepared in opposition to HB 5041 on your agenda today. I am giving it to your clerk for the record and in hopes that you will read it, especially if I am unable to deliver it. Thank you for considering my comments.

Sincerely Yours,

Sally Silver

Speech in Opposition to HB 5041

Wednesday, December 9, 2015

Sally Silver, 426 Bailey Street, East Lansing, MI 48823

Good afternoon. My name is Sally Silver. I live at 426 Bailey Street in East Lansing. Thank you for this opportunity to speak in opposition to HB5041. I oppose the proposed law because it sets a bad precedent for legislative intervention in local zoning matters, considers only the point of view of the landlords who presented this idea to you, and circumvents the processes East Lansing has set up to consider such matters consistent with its long-term goals.

I live in the Bailey neighborhood, adjacent to downtown East Lansing and just north of the MSU campus, and have been a neighborhood leader for over 30 years. I write "The Bailey Newsletter," and am supposed to know about matters impacting my neighborhood. But I knew nothing about HB 5041 until I read about it in the local press. Nor did most other East Lansing residents. I must ask you why you are considering HB 5041 without talking to a broad spectrum of East Lansing residents and the city council itself, to try to understand the discussions surrounding the pertinent issues, for I do not suppose you are so naïve as to believe that the landlords' point of view is the only one.

I'm all the more troubled because East Lansing has very collaborative and inclusive processes in planning and zoning matters. The landlords who have spoken to you, a small fraction of the more than 700 landlords in East Lansing, were part of a large committee that included landlords, neighborhood representatives, and city commissioners. The ideas presented to you by the landlords

do not concern only them, but all of the city, and particularly the historic neighborhoods such as Bailey and others close to campus that include the bulk of the city's rental housing.

What is the particular issue? It originates in a law passed by the City Council in 1997, Ordinance 900, which reduced the number of legal tenants in single-family houses from 4 unrelated adults to 2 unrelated adults or a family. All of the rental properties that in the past could have more than 2 unrelated adults can *still* have the 'tenants in excess of 2,' but those 'excess tenants' became a non-conformity. As you know, changes in zoning are put in place for a public purpose and with the hope of eventually reducing the number of non-conforming properties.

Ordinance 900 aimed to deter more conversions of single-family homes to rental. This was necessary for several reasons:

First, after MSU changed its requirement that sophomores live on campus, in the 1970s a huge new market was created for off-campus housing for which East Lansing was not prepared. Within the span of 10-20 years, whole blocks that were once owner-occupied or mixed became entirely rental. Second, there were many behavioral problems (parties, noise, littering) associated with the single-family rentals. Over many years, the city slowly addressed these. By the mid-90's, the City determined that such behaviors were much less likely in student apartments than in single-family house rentals, and that such apartments were preferable and more efficient in housing students than single-family homes. Douglas Jester, Mayor when Ordinance 900 was passed, emailed me some detailed comments that I will give your clerk, explaining the basis for the legislation. Third, a study commissioned by the City found that East Lansing's ratio of rental houses to non-rental houses far exceeded that of other college towns and was not beneficial to the city.

In addition was East Lansing's problem with over-occupancy – i.e. rental houses with more tenants than legally allowed. Over-occupancy not only increased the behavioral problems associated with rentals, but also health and safety hazards for the tenants. This became clear when a fire in an over-occupied rental killed a young man who was sleeping in a closet -- where he died of smoke inhalation. After that, the city cracked down on over-occupancy, but it is still hard to enforce because tenants are free to have visitors and overnight guests. When landlords say they want to improve their rental houses by, for creating new bedrooms above grade in place of the legal basement bedrooms they already have, you have to understand that this would give them two legal bedrooms in addition to the ones they already have, making over occupancy more likely, whatever their intentions.

East Lansing has very strict requirements for converting a house to rental and for maintaining it. Rentals must undergo all-trades inspections, then annual or biennial inspections for license renewals. This means rental houses should be up to code, safe, and well maintained. The landlords who have spoken to you may imply that they cannot 'improve' their properties because of the way the city interprets non-conforming statutes, but as the City Manager has told you, they can do all kinds of things to improve their properties – just not make new bedrooms that reinforce their houses' non-conforming status. Their houses are well-maintained, or they lose their license.

I'm not going to outline the process the city created to try to reach accommodation with some of the landlords' complaints, but that process is grounded in larger planning goals. The first discussions about it, for instance, considered using 'form-based' zoning codes experimentally in some rental areas to create new types of development incentives in these areas. But then, as the city geared up to

create a new Comprehensive Plan, the city created a different committee to take up non-conforming rentals, so that the committee's recommendations might dovetail with the new master plan, which is not yet complete. And that's as it should be. This is an important matter and should be considered as part of a broader discussion of East Lansing's future.

I hope my remarks have given you a bit more understanding of the complexity of issues surrounding non-conforming rentals in East Lansing, and why those complexities are best discussed by those who live with them and understand them. Such matters should be resolved in ways that serve all citizens of East Lansing, and not just one group. The landlords' efforts, and HB 5041, circumvent processes that would do that. This is a matter for East Lansing to decide, not the state. I therefore urge you to oppose HB5041.

Thanks for considering my views.

Sally Silver, 426 Bailey St., East Lansing, MI 48823